

APPEAL NO. 040163
FILED MARCH 1, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 10, 2003. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable repetitive trauma injury with a date of injury of _____; (2) the claimant did not have disability; and (3) the respondent (carrier) is relieved from liability for the claimed injury under Section 409.002, because the claimant did not timely notify his employer of the alleged injury pursuant to Section 409.001. The claimant appeals these determinations on sufficiency of the evidence grounds. The carrier responds, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **SOUTHERN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**FRANCIS FAYE
C/O J. I. SPECIALTY SERVICES
9229 WATERFORD CENTRE BOULEVARD, SUITE 100
AUSTIN, TEXAS 78758.**

Edward Vilano
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge